



REGULATORY SERVICES COMMITTEE

3 October 2013

REPORT

Subject Heading:

**P1136.12 – 1A Hillview Avenue,
Hornchurch**

**Single storey house - Outline
(Application received 24th June 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Manager,
Regulatory Services) 01708 432800**

Policy context:

**Local Development Framework,
London Plan
National Planning Policy**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhancing the lives of our residents	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application is sought for outline permission for a single storey 2 bedroom dwelling for details regarding access, layout and scale. Landscaping and appearance would be subject to reserved matters. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be calculated at the submission of reserved matters application.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, to be acquired by the applicant. This is to ensure that clear and unobstructed pedestrian visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

It is recommended that planning permission be granted subject to the following conditions:

1. Approval of details

The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance of the buildings

and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

Reason:-

The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Time Limit for details

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

3. Time limit for commencement

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Materials

All new external finishes shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted and the development shall be constructed with the approved materials.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area.

6. Screen fencing

Before the building hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected to the front, side and rear boundaries of the application site and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Community safety

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and policies CP17 'Design' and DC63 'Delivering Safer Places' of the LDF Development Control Policies Development Plan Document Policy.

8. Hours of construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:- To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Land contamination

Following submission by the Developer of a Phase I Report and prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason:-

To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

10. Construction methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction

Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. No additional flank windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

12. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment) (no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Alterations to Public Highway

The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

14. Licence to alter Public Highway

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

15. Levels

Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

16. Wheel washing

Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development.

17. Storage of refuse

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. Visibility splays

Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m wide and 2.1m deep either side of the new access onto the application site. The approved splays lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

19. Cycle Storage

Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,540. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

Report Detail

1. Site Description

- 1.1 The application site relates to 1a Hillview Avenue which is currently occupied by a vacant single storey workshop building with 4 No. lock-up garages. The site gains access from Hillview Avenue and is located to the rear of Emerson Park Evangelical Church. Ground levels are generally flat with a steep fall towards the rail tracks to the rear of the site. The immediate streetscene is characterised by a mix of detached and semi-detached residential properties and the site falls just outside the Emerson Park Policy Area boundary to the east.

2. Description of Proposal

- 2.1 This outline planning application requests assessment of access, layout and scale and proposes the demolition of the existing workshop and garages on site and the erection of a replacement 2 bedroom bungalow.
- 2.2 The bungalow would measure at its maximum 8.7m deep by 11m wide, set 5.3m from the common boundary with no. 1 Hillview Avenue and 500mm away from the common boundary with the church. The bungalow is proposed approximately 700mm from the rear boundary and railway

embankment. Amenity space towards the rear is approximately 80 sq metres.

- 2.3 Access to the site is proposed via the existing 25m long driveway adjoining no. 1 Hillview Avenue. The scheme will make provision for 2 No. parking spaces with one space allowing vehicles to manoeuvre and turn around on site.

3. Relevant History

- 3.1 P1159.11 - Demolition of existing buildings and construction of single storey bungalow –Outline – Refused – appeal dismissed

Refusal reason - The proposed development would, by reason of the lack of pedestrian visibility splays, result in highway and pedestrian safety being compromised, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

The appeal was dismissed on issues regarding the visibility splay on the access for the site in question. The Inspector commented that the proposal would be beneficial to the appearance of the site following the removal of two larger outbuildings being the garages and the workshop. The current proposal has the same design and layout as this most recently refused application.

- 3.2 P1602.09 – Single storey house - Refused – appeal dismissed

Refusal reason - The proposed development would, by reason of the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

- 3.3 P1286.08 - Single storey house – outline – appeal dismissed

Refusal reasons - The proposed development would, by reason of its backland location, layout and scale, result in a cramped form of over-development, appear out of keeping with the prevailing pattern of development of the surrounding area and be detrimental to the visual character of the area in general, as well as creating a poor quality living environment for future occupiers, contrary to Policies CP17 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Submission Development Plan Document respectively, as well as contrary to the provisions of PPG3.

The proposed development would, by reason of the inadequate access and parking arrangements on site, result in unacceptable overspill onto the adjoining roads and potential highway hazards to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the Local Development Framework Development Control Document.

The previous applications (P1159.11 and P1602.09) were refused for the same reasons due to the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety.

Following refusal of the applications, the applicant appealed against the Council's decisions. Both appeals were dismissed by the inspector for the same reasons the Council refused the application (insufficient turning area and lack of visibility splays).

4. Consultations/Representations

- 4.1 25 neighbouring occupiers were notified of the proposal by individual letter.
- 4.2 One letter of representation were received of which is an objection from adjoining resident, in which they have commented with parking and highway issues, much of this is addressed below in paragraph 10. They also commented on a nearby Tesco planning application, this is noted, however it is considered it would not form part of a material consideration in determining this particular outline application.
- 4.3 The adjoining Church commented that they are not against this application but would like to point out that access to the site over church Land will not be accepted by them and that the dwelling and the construction of the dwelling should not impinge on the church or restrict the church and its work. In response to the above comments, the proposed development would not be within their land.
- 4.4 Highways –comments that the applicant is not in control of the fully required pedestrian visibility and there is a risk that the adjacent plots on the side of the entrance/exit adjoining the open drive to The Emerson Park Evangelical Church and the other side of the entrance/exit to the neighbouring parking space, in that either neighbour may erect boundary fences and walls over 0.6metres without the requirement of a permission. However as mentioned below in the highways paragraph, the applicants are now subject to completing a legal agreement requiring them to own a corner of their property to ensure that this section of the boundary remains available to maintain a suitable visibility splay.
- 4.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.

4.6 London Fire and Emergency Planning authority – The brigade is satisfied with the proposals.

4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report AND A Phase III (Risk Management Strategy).

5. Relevant Policies

5.1 Policies CP1 (Housing supply), CP17 (Design), DC11 (Non-Designated sites), DC33 (Car parking) DC61 (Urban Design) DC69 (Other areas of Special Townscape or Special Character) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice). 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant. SPD1 - Designing Safer Places SPD, SPD3 - Landscaping SPD and SPD9 - Residential Design SPD.

6. Staff Comments

6.1 This proposal is put before the Committee due to a legal s106 agreement to secure the corner sections (South-east of The Church & south-west of No.1 Hillview Avenue) of the adjoining properties to ensure that the applicants have control to provide an unobstructed visibility splay for safer access of the cars and pedestrians for the proposed development. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

7. Principle of Development

7.1 Policy DC61 of the LDF Core Strategy states that development shall harness the topographical and ecological character of the site, respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context, complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

7.2 The proposal is to demolish two outbuildings being an existing garage and workshop and erection of a new dwelling. The application site is located within an existing residential area and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The detailed impacts of this planning application are considered further below.

7.3 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

8. Design, scale and impact on street/Garden scene

8.1 The application would comprise the demolition of the existing outbuildings on the site. It is considered that the removal of the existing workshop and garage to be replaced by a single dwelling would be beneficial in appearance of the backhand area and no in principle objection is therefore raised to its demolition. The floor area of the two buildings to be demolished in total would be 130 square metres (measured externally), and would be replaced by a dwelling of 79.5 square metres external floor area which is significantly less.

8.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

8.3 In density terms Policy DC2 states that residential densities of this type of development in this part of the borough should be in the range of 30-65 units per hectare. The proposed development would total 29 units per hectare on this 0.034 hectare site and complies with the guidance in this policy.

8.3 The character of the surrounding area and more specifically houses along Hillview Avenue, is typified by semi-detached houses set in average sized gardens with extensive tree planting to the rear.

8.4 From a layout perspective, the existing open frontage of the plot would be retained and the existing workshop and garages demolished in order to accommodate the proposed bungalow.

8.5 Although the indicative layout is for a bungalow which would be relatively close in relation to the site boundaries (700mm from the southern boundary and 500mm from the northern boundary with the church), Staff are of the opinion that the single storey nature of the bungalow would prevent the scheme from appearing cramped and over developed on the site. The southern boundary is defined by an embankment and the railway line which has mature trees and shrub planting and would aid in maintaining an open and spacious character towards the south of the site. The proposal would be located at a sufficient distance from its western and eastern boundaries whilst the majority of the northern boundary is defined by the church's parking area.

- 8.6 Furthermore, the proposed bungalow would be set back from the edge of the highway by approximately 25 metres. For the reasons mentioned above, Staff are of the opinion that in terms of the site density and layout, the proposed bungalow would not detract from the existing character and appearance of this part of Hillview Avenue.
- 8.7 The proposed single storey nature of the bungalow in conjunction with its set back from the edge of the highway would contribute to a level of subservience and in Staff's opinion would not be more harmful to the character and appearance of the street scene compared to the existing two blocks of garages. It is considered that the indicative layout and location of the bungalow on the site is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance.

9. Impact on amenity

- 9.1 The indicative position of the bungalow would be some 12m from the rear main wall of the house at No. 1 Hillview Avenue. The bungalow would however not be directly to the rear of No. 1 and as such, no back-to-back relationship exists. Given the single storey height of the bungalow, Staff are of the opinion that no adverse overlooking is expected to the bedroom window in the rear elevation of this neighbour.
- 9.2 There are no residential properties towards the south or north and the bungalow would be sited some 20 metres from the properties facing Butts Green Road to the east. The first floors of no's 1 - 7 however are non-residential and used as storage areas serving the ground floor shops. It is therefore not considered that any potential for invasion of privacy or overlooking would occur as a result of the proposed bungalow. In relation to loss of light, the indicative position of the bungalow would be approximately 5.3 metres from the western boundary with No. 1 Hillview Avenue and this separation distance from the boundary in conjunction with the limited height of the bungalow is considered to have no impact on No. 1 in terms of overshadowing.
- 9.3 No overshadowing would occur to any other neighbouring properties and it is therefore not considered that an objection could be substantiated on amenity grounds.

10. Access, highway/parking issues

- 10.1 In respect of car parking, the density matrix contained in Policy DC2 of the LDF advises that 2 to 1.5 car parking spaces should be provided where new detached houses are proposed within Hornchurch suburban areas.
- 10.2 Despite removing the existing garages, the scheme makes provision for 2

car parking spaces immediately east of the proposed bungalow. Previously, concerns were raised in respect of an insufficient turning area which would not allow for vehicles to be able to manoeuvre on the site without difficulty and vehicles would therefore not be likely to exit the site in forward gear.

- 10.3 One of the main reasons for dismissing the appeal on both planning application P1286.08, P1602.09 and the Inspector placed emphasis on the need (in accordance with the Manual for Streets) for visibility splays along the edge of the private drive. The Council's guidance is that a 2.1 metre by 2.1 metre visibility splay should be provided on each side of the access in the interest of pedestrian safety. It should be noted that there is currently visibility available at the site access however, as per the Inspector's observation in the conclusion;

'...visibility splays would be needed so as to allow emerging drivers to take proper account of people on the footway. None is provided and so the access would be unsafe. This would be contrary to Planning Policy Guidance 13 Transport. The arrangements for parking and access would be unsatisfactory.'

- 10.4 Staff are of the opinion that the current visibility relies on the absence of obstruction on land belonging to the neighbouring properties on each side of the access.
- 10.5 The applicants have stated they are willing to enter a legal agreement to obtain ownership of both corners of the adjoining sites in question to ensure they can secure the visibility splays which would be maintained for the life of the proposed development.
- 10.6 Subject to the acceptable legal agreement, staff are of the opinion that visibility splays would be suitable to take proper account of people on the footway. The appropriate pedestrian visibility can be provided and the proposal would therefore comply with Policy DC32 of the LDF as pedestrian / highway safety.

11. **The Mayor's Community Infrastructure Levy**

- 11.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The final figure is calculated at the time that reserved matters application(s) are submitted.

12. **Conclusion**

- 12.1 The current application is in outline form only, with approval sought for access, layout and scale.
- 12.2 The principle of residential development is acceptable on the site and it is considered by Staff that the access, layout and scale of the proposed bungalow in relation to the plot size is acceptable and would not be

detrimental to the character and appearance of the street scene nor would it result in an overdevelopment of the site. It is considered that the development would not have any harmful impact on the amenities of neighbouring dwellings.

- 12.3 It is acknowledged that the frequency of vehicles entering and leaving the site would not be significantly high, the satisfactory access to the site would be subject to a legal agreement to ensure a suitable visibility splay, and this would mitigate potential hazards to highway and pedestrian safety, to comply with LDF Policy DC32 which addresses the previous refusals. It is therefore recommended that planning permission would be granted SUBJECT TO LEGAL AGREEMENT set out in this report.
- 12.4 The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.4 and 8.2 of the London Plan and Policies CP1, CP17, DC11, DC33, DC61, DC69 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None directly arising from this application.

BACKGROUND PAPERS

The plan, application form and supporting documents were received on 7th November 2012.